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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 2665
Examiner: Mr. Justin M. Philpott

In re PATENT APPLICATION of:

Applicant(s) : Yukihiro OZEKI)
Serial No. : 09/494,183)
Filed : January 31, 2000)
Allowed : November 23, 2004)
For : MULTIPLEXER, DEMULTIPLEXER AND)
MULTIPLEX COMMUNICATION SYSTEM)
Attorney Ref. : SATA 002)

January 12, 2005

LETTER

Attention: Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Communication mailed January 10, 2005, which forwarded an Examiner's Amendment.

The Examiner's Amendment refers to the requirement in 37 CFR 1.121(c)(1), that "all of the claims presented in a claim listing shall be presented in ascending numerical order," and then basically switches claims 15 and 16. The result of the Examiner's Amendment is that claim 15 (formerly claim 16) is now an independent claim, followed by dependent claim 16 (formerly claim 15).

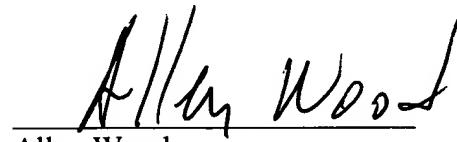
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It is respectfully submitted that this switching of claims 15 and 16 is not required by 37 CFR 1.121(c)(1). The claims were properly presented in numerical order in the claim listing included in the Amendment filed September 2, 2004. It is true that claim 15 preceded rather than followed its independent claim (that is, claim 16), but such a scrambling of claims sometimes occurs during prosecution. It is permissible because there is no requirement that dependent claims must necessarily follow (rather than precede) their independent claims.

If it were simply a matter of switching claims 15 and 16, the Examiner's Amendment would not be detrimental to the Applicant (even though it is believed to be unnecessary, as discussed above). However, claims 17 and 18 depend from claim 16, which was previously the independent claim but has now become (with the Examiner's Amendment) a dependent claim. As a result, the scope of claims 17-19 has been narrowed by the Examiner's Amendment.

Accordingly, it is respectfully requested that the Examiner's Amendment be withdrawn, as not necessitated by the requirements of 37 CFR 1.121(c)(1). Alternatively, a further Examiner's Amendment that revises claims 17 and 18 to depend from claim 15 is respectfully requested.

Respectfully submitted,



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LETTER

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